

Protection of Copyright From We Media Platform on Internet

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Abstract

Dissemination of digital information and interpersonal interaction on internet result in the popularization of internet personal media platform such as weibo, weblog which are so called "we media". "we media" facilitates people to express their ideas and thoughts as well as enhance the interaction of the public. But when people enjoying the "feast" of we media, the copyright protection is often neglected. This article firstly discusses the elements of infringement of copyright. Secondly, it give an introduction to "reasonable use system" which is created to protect reasonable use of other people's works. Finally, the paper enunciates the standard to differentiate legal use and illegal use of copyright on internet media platforms.

Keywords

Protection, copyright, we media.

1. Introduction

In the book *We the Media* Dan Gillmore discusses how grassroots internet journalists has changed the way news is handled. "We media" was described as a movement "by that we can use this together to create something between a seminar and communications technology -in the form of email, weblogs, discussion boards, websites and more- make it happen." [1] We media is the name for the personal internet plat forms such as weblogs, twitter, weibo, which make news transmission much easier than ever before. Because of the gate of news publication was come down, armed with easy-to-use Web publishing tools, the online audience has the means to become an active participant in the creation and dissemination of news and information. [2] But in the movement of We media. protection of copyright is neglected more or less for the easy coping and republication of articles

2. The copyright protection on internet -- the old wine in a new bottle

When it comes to copyright protection, people were used to connect it with books, newspapers, journals and other print medias, consider it as an old topic of the era which were gradually away from of us. However, although the copyright system was produced in the age of print media, but copyright protection is not limited to the paper media and attached works. The purpose of copyright is to protect the intellectual achievements from illegally infringement, and encouraging the creation of intellectual works. Although the Internet is deemed as a virtual world, but the text and pictures which presents in computer and other terminals of network are almost the same as in print media. Reproduction and republication of original works is possible in those personal platforms on internet. Protection of copyright is still necessary in internet environment. According to a important principle of copyright which is protection of "the form of expression", that uploading other people's print works on internet or republication of others online work on some one's online platform all constitute reproduction or distribution of original works.

In the era of print media, copyright protection mainly strictly restrain books, newspapers, journals or other print media from illegal copy, reproduce, publish. With the check and inspection of press and editorial department, copyright infringement resulted by newspapers, books, is relatively under control. these institutions have duty to prevent occurrence of infringement to copyright, and can reduce the amount of infringement. As a result of the use of internet technology, the rights of publication is no longer monopolized by these institutions. Individuals have same rights to publicize

their thoughts through personal online platform which is called we media, it resulted difficulty. to inspect legality of publication as well. Movement of we media not only add benefits to information dissemination but also add the possibility of copyright infringement.

3. The "Reasonable use system" - the umbrella of we media user

Intellectual achievements are benefit to evolution of society. A work completely isolated from society would not promote social progress except for bring the spiritually self satisfaction to the author. The interaction and sharing of knowledge is the basis of the development of human society. Therefore, in copyright system, in addition to protection of authors rights, "reasonable use" has been regulated in most countries. It allows that public's restricted use of published works, in order to achieve a balance between the individual interests of author and the interests of the community.

However, there is a definite standard constitute "reasonable use". In *China Copyright law*, the 22nd Article illustrates twelve situations of "reasonable use"[2]. In general these situations can be classified in to three types, The first is reasonable method of use, it refers to use works for studying, appreciating, teaching, researching. in which a small number of works is used for a non-public purpose. The second is the nature of works is suitable for reasonable use. those works refers to the political, religious, economic articles or news and the governmental documents. The third are works for specific person, such as translation works for ethnic minorities or blind people. In addition, for the reasonable use it is no need to get consent of the copyright owner, there is no requirement of payment of remuneration. but under the reasonable use system. A reference of author and original publication is still necessary.

4. "public" or "non public" utilization ---water shed between tort and legal use

Typical infringements of copyright on weibo or weblog are reprint of others' works without references, publication of others' works on personal platforms without author's consent.

From the point of view of law, compare to tort from traditional media that tort from we media is more difficult to be identified for the indistinct standard to differentiate whether the use constitute public dissemination or utilization of works of others. Non-public use works does not constitute infringement. Reproduce of works on weblog can be public use or non public use, it depends on the situation of how blog owner use it. In general, that weibo and weblog are public media, most weibo and weblog have followers, those people can visit the media freely. Other people who are not followers can also visit those media through network search engine if those media platform are not blocked by owner with passwords. Some weibo owned by popular stars with millions or more followers. Such as Yaochen a famous movie actress who was called "The Queen of weibo", the followers of her weibo are more than 20 million. The number is much more than circulation of the major news paper *People's Daily* which has 2.8 million print copies,[3] It even drew the attention of people's daily.[4] Even ordinary weblog may also has dozens of, or hundreds of followers or fans, that means when the articles uploaded to weibo or weblog, it constitutes a direct public offering to the society. Unless the weibo users take measures to exclude others to browse or enter the personal platform through strict encryption and making the weibo a more private space, otherwise the weibo or weblog should be an open public place. If the user use the other people's work in this kind of public weibo or weblog without permission of author it might forms the infringement to the right of distribution or right of reprint or right network dissemination of copyright owner. If the user reprint other people's works in weibo and eliminating the author's name it is a infringement of author's right of authorship. If the work is put into user's article without modification and constitute a substantial part of the article, it forms plagiarism.

5. The duties of protection of copyright from different party

In the era of information, the excessive protection of intellectual works is not only a technical requirement which is difficult to meet but also not consistent with the theme of the era. Each revolution to media of knowledge dissemination has promoted the rapid development of human

civilization. Weibo, weblog benefits the high-speed, wide spread of transmission of information. Absolute prohibition of reprint or reproduction is not necessary as well as not realistic. However the method and process of use of works must be strictly in accordance with the provisions of Copyright law. If the author expressly prohibits reproduction of the article, any reproduce and reproduction should be avoided. If the author does not explicitly prohibits reproduction, republication of articles any kind utilization of the articles should indicates the author and original publication, and respect the author's right of getting remuneration. The reference to the works of others, should not constitute a substantial part of article of user, and reference resources should be indicated clearly.

In addition to the user of internet media, internet media service provider and other service platform operators should also pay attention to the risk of infringement of copyright and avoid to take joint and several liability. Operators with technology that can regulating and scrutiny the media should implement prudential regulation and supervision. If the operators are unable to regulate the media, when he knows there is copyright infringement they shall stop the infringement. If a copyright owner reflects the existence of violations to the operator. The operator should check and eliminate the infringement.

6. Conclusion

When you express your idea and thought, with full respect to the copyright of other people is the inevitable requirement of the law. This is also the method of acquisition and dissemination of knowledge in information Era. Only in this way can promote progress of individual as well as evolution of society .

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